

Case: 6:69-cv-07941-BB

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

FILED *LG*
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

10 JUN 18 AM 11:37

STATE OF NEW MEXICO, on the relation of)
The State Engineer,)

Plaintiff,)

v.)

ROMAN ARAGON, et al.,)

Defendants.)

No. 69cv 07941-BB

Rio Chama Stream
System

Section I (mainstream)

CLERK-SANTA FE

**MEMORANDUM AND MOTION TO REQUEST THIS HONORABLE COURT TO CONFIRM
ANDREW VALDEZ (SUBFILE 246, DOC. NO. 9717, 05/14/2010 AT i, ii) AS A SUCCESSOR-IN-
INTEREST TO A.B. VALDEZ (SUBFILE NO. 246, DOC. NO. 3774.12), A PERSON THAT
TIMELY OBJECTED TO THE 1994-95 "ORDERS TO SHOW CAUSE" (DOC. 9700, 4/28/2010
AT 3). THIS REQUEST IS FILED WITH DOCUMENTS TO BE IN COMPLIANCE WITH THE
PLAINTIFF'S DOC. 9767, 5/27/2010.**

Background for Andrew Valdez (Subfile No. 246, Doc. No. 9717, 5/14/2010 at ii) as a successor-in-
interest to A.B. Valdez (Subfile No. 246, Doc. No. 3774.12).

1. Andrew Valdez (Doc. No. 9717, 5/14/2010 at ii); as of the filing of this document, has neither been confirmed nor denied as successor-in-interest objector to the Special Master's Report (Doc. 9546, 12/16/2009).
2. Andrew Valdez was entered as a successor-in interest (Doc. 9717, 5/14/2010 at ii) to *pro se* objecting party A.B. Valdez (Subfile 246, Doc. No. 3974.12) for the filing of Doc. 9717, 5/14/2010, "Objections to Assignment of a 1600 Priority Date to Concerned Water Rights of the Parcientes of the Acequia De Chamita Only" (Doc. 9546, 12/16/2009).

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3. A. B. Valdez, Andrew Valdez's father, was a person that timely objected to the 1994-95 "Orders to Show Cause" (Court's Doc. 9700, 4/28/2910 at 3).
4. Andrew Valdez, son and an heir to A. B. Valdez (the above person, see No. 3) has timely filed an objection to the Special Master's Report (Doc. 9546, 12/16/2006 and Doc. 9767, 5/27/2010 at ii); and has an interest in lands irrigated by the Acequia De Chamita.

A request for this Honorable Court to confirm Andrew Valdez (Subfile 246, Doc. No. 9717, 5/14/2010 at ii) as a successor-in-interest party.

Comes now *pro se* party/successor-in-interest Andrew Valdez to this Honorable Court to request successor-in-interest confirmation. I am in fact a successor-in-interest to a person that timely filed objections to the Notices and Orders to Show Cause issued by the court in 1994-95 (at 3 above). I am a successor-in-interest to defendant A. B. Valdez, Subfile No. 246, Doc. No. 3974.12 (Doc. 9720, 5/21/2010 at 5). I also show now, by deed and otherwise (Doc. 9767, 5/27/2010) that I have an interest in lands irrigated by the Acequia De Chamita. Documents of interest follow:

Respectfully submitted by defendant Andrew Valdez
(Doc. 9717).

Andrew B. Valdez
(Signature of Defendant)
by Andrew Valdez, Date: 6-18-10

Andrew B. Valdez
(Printed name of Defendant)

414 Calle Valdez
(Street address or P.O. Box)

ESpanola N.M. 87532
(City, State and Zip Code)

COPY

File Number: SD-01835-20A
(For OSE Use Only)NEW MEXICO OFFICE OF THE STATE ENGINEER
CHANGE OF OWNERSHIP OF WATER RIGHT (INDIVIDUAL)

1. OWNER OF RECORD

Name: DOROTHY VALDEZ & ALFONSO B. VALDEZ
 Contact: _____ Work Phone: _____
 Address: 414 Calle Valdez Home Phone: _____
 City: Espanola State: NM Zip: 87532

NEW OWNER

Name: ANDREW VALDEZ & Dorothy Valdez
 Contact: _____ Work Phone: _____
 Address: 414 Calle Valdez Home Phone: _____
 City: Espanola N.M. State: NM Zip: 87532

2. AMOUNT CONVEYED

State Engineer File Number: SD-01835-20A
 Subfile Number 246 of Cause Number _____
 Owner of record has conveyed ALL of said right.
 (all or part)

Consumptive Use: _____ acre-feet per annum
 Diversion Amount: 33.390 acre-feet per annum
 Other: _____ (units)

2010 JUN 10 PM 2:30

OFFICE OF STATE ENGINEER
SANTA FE, NEW MEXICO

3. PURPOSE OF USE

Domestic: _____ Livestock: _____ Irrigation: X Municipal: _____ Industrial: _____
 Commercial: _____ Other (specify): _____
 Specific use: _____

4. PLACE OF USE

_____ acres of land described as follows:

Subdivision of Section (District or Hydrographic Survey)	Section (Map No.)	Township (Tract No.)	Range	Acres	Priority
<u>CHAMITA DITCH</u>	<u>20</u>	<u>12</u>		<u>11.130</u>	
<u>RIO CHAMA</u>					

Do Not Write Below This Line

File Number: _____ Trn Number: _____

File Number: _____
(For OSE Use Only)**NEW MEXICO OFFICE OF THE STATE ENGINEER
CHANGE OF OWNERSHIP OF WATER RIGHT (INDIVIDUAL)****5. WELLS TO ACCOMPANY CONVEYED RIGHT**

Well File No.	Subdivision	Section	Township	Range
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

6. CONSENT TO LAWFUL CHANGE IN PLACE AND/OR PURPOSE OF USE

(I, We) the above owner(s) of record, hereby consent to a lawful change in the place and/or purpose of use of the above-described water right: (To be completed only if it is an irrigation water right and has been conveyed separate from the land to which it was appurtenant.)

(Signature)_____
(Signature)**7. ADDITIONAL STATEMENTS OR EXPLANATIONS:**

ACKNOWLEDGEMENT

(I, We) Andrew B. Valdez & Dorothy Valdez affirm that the
(Please Print)

foregoing statements are true to the best of my knowledge and belief.

Andrew B. Valdez
Applicant Signature

Dorothy Valdez
Applicant Signature

NOTARY

This instrument was acknowledged before me this _____ day of _____,

A.D., _____, By _____
Name of Applicant

My commission expires _____
Notary Public

Do Not Write Below This Line

This Change of Ownership form is hereby accepted for filing in accordance with Section 72-1-2.1, NMSA-1978 (1985 Repl. Pam), as amended. The acceptance by the State Engineer does not constitute validation of the right conveyed.

File Number: _____ Trn Number: _____
Form: wr-02i (Individual) - page 2 of 2

COPY

File Number: _____
(For OSE Use Only)NEW MEXICO OFFICE OF THE STATE ENGINEER
CHANGE OF OWNERSHIP OF WATER RIGHT (INDIVIDUAL)

1. OWNER OF RECORD

Name: Dorothy Valdez & Alfonso B. Valdez
 Contact: _____
 Address: 414 Calle Valdez
 City: Espanola State: NM Zip: 87532
 Work Phone: (505)
 Home Phone: (505) 753-4018

NEW OWNER

Name: Andrew Valdez & Dorothy Valdez
 Contact: _____
 Address: 414 Calle Valdez
 City: Espanola State: NM Zip: 87532
 Work Phone: 929-1327
 Home Phone: 753-4018

2. AMOUNT CONVEYED

State Engineer File Number: SD-01835
 Subfile Number 20-11 of Cause Number _____
 Owner of record has conveyed all of said right.
 (all or part)

Consumptive Use: _____ acre-feet per annum
 Diversion Amount: _____ acre-feet per annum
 Other: _____ (units)

3. PURPOSE OF USE

Domestic: _____ Livestock: _____ Irrigation: ☒ Municipal: _____ Industrial: _____
 Commercial: _____ Other (specify): _____
 Specific use: _____

4. PLACE OF USE

3.00 acres of land described as follows:

Subdivision of Section (District or Hydrographic Survey)	Section (Map No.)	Township (Tract No.)	Range	Acres	Priority
<u>CHAMITA DITCH</u>	<u>20</u>	<u>11</u>		<u>3.00</u>	
<u>RIO CHAMITA</u>					

Do Not Write Below This Line

File Number: _____ Trn Number: _____

OFFICE OF STATE ENGINEER
SANTA FE, NEW MEXICO

2010 JUN 10 PM 2:30

File Number: _____
(For OSE Use Only)

**NEW MEXICO OFFICE OF THE STATE ENGINEER
CHANGE OF OWNERSHIP OF WATER RIGHT (INDIVIDUAL)**

5. WELLS TO ACCOMPANY CONVEYED RIGHT

Well File No.	Subdivision	Section	Township	Range
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

6. CONSENT TO LAWFUL CHANGE IN PLACE AND/OR PURPOSE OF USE

(I, We) the above owner(s) of record, hereby consent to a lawful change in the place and/or purpose of use of the above-described water right: (To be completed only if it is an irrigation water right and has been conveyed separate from the land to which it was appurtenant.)

(Signature)

(Signature)

7. ADDITIONAL STATEMENTS OR EXPLANATIONS:

ACKNOWLEDGEMENT

Andrew B. Valdez & Dorothy Valdez affirm that the
(Please Print)
statements are true to the best of my knowledge and belief.

Andrew B. Valdez
Applicant Signature

Dorothy Valdez
Applicant Signature

NOTARY

This instrument was acknowledged before me this _____ day of _____,

By _____
Name of Applicant

My commission expires _____
Notary Public

Do Not Write Below This Line

This Change of Ownership form is hereby accepted for filing in accordance with Section 72-3-2, NMSA-1978 (1985 Repl. Pam), as amended. The acceptance by the State Engineer does not constitute validation of the right conveyed.

File Number: _____ Trn Number: _____
Form: wr-02i (Individual) - page 2 of 2

WARRANTY DEED-Joint Tenants

Dorothy E. Valdez, surviving spouse of Alfonso B. Valdez for consideration paid grant(s) to **Dorothy E. Valdez, a single woman and Andrew B. Valdez, an unmarried man, as Joint Tenants** whose Address is **414 Calle Valdez, Espanola, NM 87532**, the following real estate in the County of Rio Arriba, State of New Mexico.

SEE ATTACHED LEGAL DESCRIPTION EXHIBIT "A"

SUBJECT TO PATENT, RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD, IF ANY, EASEMENT VISIBLE ON THE GROUND AND IN THE AIR, AND AD VALOREM PROPERTY TAXES FOR 2010 AND SUBSEQUENT YEARS.

With warranty covenants

Witness our hands and seal the 10th day of June, 2010.

Dorothy E. Valdez
Dorothy E. Valdez

ACKNOWLEDGEMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO)

COUNTY OF RIO ARRIBA)

The foregoing instrument was acknowledged before me this 10th day of June, 2010.

By: Dorothy E. Valdez, a single woman, surviving spouse of Alfonso B. Valdez, deceased

[Signature]
Notary Public

My Commission Expires: 7/26/2012

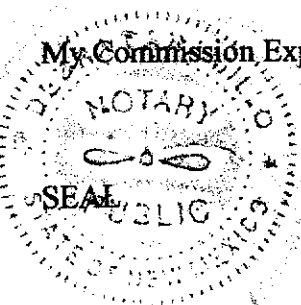


EXHIBIT "A"

A certain tract or parcels of land, lying and being situate within and being a portion of the San Juan Pueblo Grant, San Juan Tribal lands, Exception 1, P.C. 258, Parcel 1, Section 9, Township 21 North of Range 8 East, NMPM, vicinity of Chamita, County of Rio Arriba, State of New Mexico, and being more particularly bounded and described as follows:

Beginning at a point, U.S.G.L.O. Brass marker, marked AP #5 of exception 1, P.C. 258, P. 1, Sec. 9 Twp. 21 N., R. 8 E., San Juan Pueblo Grant, N.M.P. Thence N. $39^{\circ} 10'$ E., 590.70 feet; thence N. $31^{\circ} 33'$ E., 1681.02 feet; thence N. $20^{\circ} 20'$ E., 40.70 feet; thence S. $52^{\circ} 26'$ E., 152.34 feet; thence S. $28^{\circ} 56'$ W., 2365.24 feet; thence N. $46^{\circ} 25'$ W., 337.26 feet to the point and place of beginning. Containing 11.13 acres, more or less.

Being the same as shown on Warranty Deed filed for record July 5, 1973 in Book 119 at Page 222-223, records of Rio Arriba County, New Mexico

(and)

A portion of Exception 1, surveyed as Private Claim 259, Parcel No. 1 of the San Juan Pueblo Grant, being more particularly described as follows:

TRACT NO. II:

From Ap. No. 2 of said Private Claim 259, being the point and place of beginning; thence N. $32^{\circ} 40'$ E., 827.64 feet to AP No. 3 of P.C. 259; thence S. $12^{\circ} 13'$ E., 179.52 feet to AP No. 4 of PC 259; thence N. $31^{\circ} 52'$ E., 1,523.94 feet to AP No. 5. of PC 259, thence S. $52^{\circ} 48' 28''$ E., 1939 feet to AP No. 8 of PC 259; thence S. $31^{\circ} 33'$ W., 1681.02 feet to AP No. 9 of PC 259; thence S. $39^{\circ} 10'$ W., 590.7 feet to AP No. 1 of PC 259; thence N. $30^{\circ} 33''$ W., 101.14 feet to the point and place of beginning, containing 3.199 acres, more or less.

According to the plat entitled "SURVEY REQUESTED BY GREGORIA MASCARENAS", as prepared by John P. Montoya, NMRLS No. 3953, as the same was filed for record March 2, 1972 in Book of Plats at Page 493, records of Rio Arriba County, New Mexico.

All water rights pertinent hereto are hereby conveyed.

Being the same as described in Warranty Deed filed August 8, 1985, in Book 152 Page 7, records of Rio Arriba County, New Mexico.

6/16/2010

Acequia de Chamita

P O Box 930
San Juan Pueblo,
New Mexico 87566
Est. August 11, 1598

To Whom it may concern;

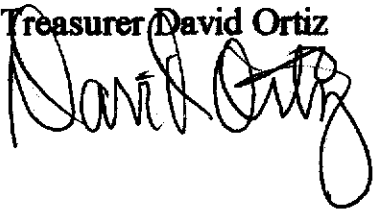
Validation of Andrew Valdez as a parciente of the Acequia de Chamita and that Andrew Valdez is who he says he is, and is a member in good standing with the Acequia de Chamita. Andrew is the son of our previous Commissioner and Chairman, the deceased A.B.Valdez. Map 20 tract 11, 12 sub file 246.

As A. B. Valdez heir and successor, he should be receiving the court documents that the court has been trying to send to the "wrong address" and at his request we are sending his correct mailing address that is part of the Acequia record, so that the documents reach him.

Correct mailing address:

Andrew Valdez
414 Calle Valdez
Española, N M 87532

Acequia de Chamita Commissioner
Treasurer David Ortiz

A handwritten signature in black ink, appearing to read "David Ortiz", written over the printed name of the Treasurer.